IN RE: PETITION FOR ZONING VARIANCE WS Garland Avenue, 400' S of ZONING COMMISSIONER c/l Silver Spring Road 4211 Garland Avenue * OF BALTIMORE COUNTY 11th Election District 5th Councilmanic District * Case No. 90-143-A Laurence F. Richmond, Jr., et ux

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance from Section 1B01.2.C.4 to allow a side yard setback of 10 feet in lieu of the required 12 feet and a sum of side yard width of 12 feet in lieu of the required 20 feet and to amend the 2nd Amended Final Development Plan of Silvergate South Addition, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Mr. Laurence F. Richmond, Jr., appeared and testified. There were no Protestants.

Testimony a. ' evidence indicated that the subject property known as 4211 Garland Avenue, consists of approximately .17 acres +/-, zoned D.R.5.5 and is improved with a single family dwelling.

The Petitioner testified that he is desirous of constructing the proposed addition indicated on Petitioners' Exhibit 1 to create an additional bedroom to accommodate his growing family. The Petitioner testified that in view of the layout of his property, the proposed location of the addition is the only practical location.

Testimony indicated that the Petitioner's neighbors have no objection with the proposed addition.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, in the opinion of the Zoning Commissioner the

relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13 day of nov. 1989 that the Petition for a Zoning Variance from Section 1801.2.C.4 to allow a side yard setback of 10 feet in lieu of the required 12 feet and a sum of side yard width of 18 feet in lieu of the required 20 feet and to amend the 2nd Amended Final Development Plan of Silvergate South Addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

restrictions:

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping marters, and no kitchen or bathroom facilities.

3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

November 9, 1989

Mr. and Mrs. Laurence F. Richmond, Jr. 4211 Garland Avenue Baltimore, Maryland 21236

> RE: Petition for Zoning Variance Case No. 90-143-A

Dear Mr. and Mrs. Richmond:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> very truly yours. Robert Haires J. Robert Haines Zoning Commissioner

cc: Peoples Counsel

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a of 10 ft. in lieu of the required 12 ft. and a sum of side yard width of 18 ft. in linu of the required 20 ft. & to amend the 2nd Amended Final Development Plan of Silvergate South Addition. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1- Physical constraints along the back of house (large windowed area and basement entrance) restrict placement of proposed 16x14 addition. 2- Interference with replacement of the existing metal porch with a 6'x15' wood porch deck which will join the proposed 16'x14' addition. 3- Size and location of proposed addition optimizes use of property.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Laurence Fenby Richmond Jr. Contract Purchaser: (Type or Print Name) Signature City and State Attorney for Petitioner: (Type or Print Name) Signature Name, address and phone number of legal owner, contract purchaser or representative to be contacted Attorney's Telephone No.: _____ ORDERED By The Zoning Commissioner of Baltimore County, this _____

19 87, that the subject matter of this petition be advertised, as

ZONING DESCRIPTION

Beginning on the west side of Garland Avenue 50 feet wide, at the distance of 400 feet south of the centerwide, at the distance of 400 reet south of the center-line of Silver Spring Road. Being Lot 8, Block C, in the subdivision of Silvergate South Addition. Book 40 Folio 129. Also known as 4211 Garland Avenue in the 11th Election District.

90-143A CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

1111000 Laurence Fraby Richmond, In stur Location of property: W/S Garlond Are, 400' 5/5/1/32 Spring Rd 4211 Garland Ara Location of Signes Freing Gorland Are, grong, 20 Fr. nodway on property of Petilionor Date of return: 10/20/89

NOTICE OF HEARING The Zoning Commissioner Baltmore County, by authority of the Zoning Act and Regulations of Baltmore County will hold a public hearing on the property identified neiter in Promi 106 of the County Office Building, located at 111 W. Chesapeake Avenue Towana Mandand 21204 inua in Towson, Mary Patition for Zoning Variance Case NO.: 90-143-A WS Garland Avenue. 400' S of c" of Silver Spring Road 4211 Garland Avenue 11th Election District 5th Councilmanic mond, Jr., et ux Hearing Date: Mondey, Oct. 30, 1989 at 9:30 s.m. Variance: To permit & side yard setback of 10 feet in lieu of the required 12 feet and a sum of side yard width of 18 feet in lieu of the required 20 feet and to Development Plan of Silvergali South Addition. In the event that this Petition is

appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the in-period for good cause shown. Such request must be in writing and received in this rifica by the

date of the hoaring set above presented at the issaring.

J. ROBEPT HAINES
Zoring Commissioner of
Batimore County
N/J/9/316 Sept. 27.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of ______successive weeks, the first publication appearing on Sept 27,19 89

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

PO 17185 real M 34213 Ca 90-143-A price \$ 82.35

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

DATE 10/3/89

Mr. & Mrs. Laurence Fenby Richmond, Jr. 4211 Garland Avenue Baltimore, Maryland 21235

Re: Petition for Zoning Variance

CASE NUMBER: 90-143-A WS Garland Avenue, 400' S of c/l of Silver Spring Road 4211 Garland Avenue 11th Election District - 5th Councilmanic Petitioner(s): Laurence Fenby Richmond, Jr., et ux HEARING DATE: MONDAY, OCTOBER 30, 1989 at 9:30 a.m. Dear Petitioners:

Please be advised that \$107.35 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET (3) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY MANUAL TO THE STATE OF THE BALTIMORE COUNTY, MARYLAND

MISCELLANEOUS CASH RECEIPT 1-01-615-000

VALIDATION OR SIGNATURE OF CASHIEF

required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

OFFICE OF FINANCE - REVENUE DIVISION

B B 313*****10735:a 6364

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 31204

Burrau of

Department of

Bureau of Fire Prevention

Health Department Project Planning Building Department

Board of Education

Industrial

Zoning Administration

State Roads Commission

Mr. & Mrs. Lawrence Fenby Richmond 4211 Garland Aveue Baltimore, MD 21236

RE: Item No. 6, Case No. 30-143-A
Petitioner: Lawrence F. Richmond, et ux Petition for Zoning Variance

October 5, 1989

Dear Mr. & Mrs. Richmond:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above : Trenced petition. The following comments are not intended to indicate the appropriateness of comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JULY 26, 1989

LAURENCE FENBY RICHMOND, JR.

Zoning Agenda: JULY 18, 1989

W SIDE OF GARLAND AVENUE

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Very truly yours, ramus G Hype JAMES E. DYER Zoning Plans Advisory Committee

Enclosures

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

RE: Property Owner:

Location:

Item No.:

J. Robert Haines
Zoning Commissione
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Paul H. Reincke Chief

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3753 J. Robert Haines
Zoning Com: issioner

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Your petition has been received and accepted for filing this 31th day of July, 1989.

Vacinity Mag

Subject Property

Petitioner: Lawrence F. Richmond, et ux Petitioner's Attorney:

0430,1989

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: October 5, 1989

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

Laurence Ferby Richmond, Jr., Item 6
SUBJECT: Zoning Petition No. 90-143A 143A J.L.

The petitioner requests a Variance for relief from setback requirements and to amend the Final Development Plan.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

Baltimere County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554 ZONING OFFICE

July 31, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 1,

2, 3, 5, 6, 7, and 8.

Very truly yours,

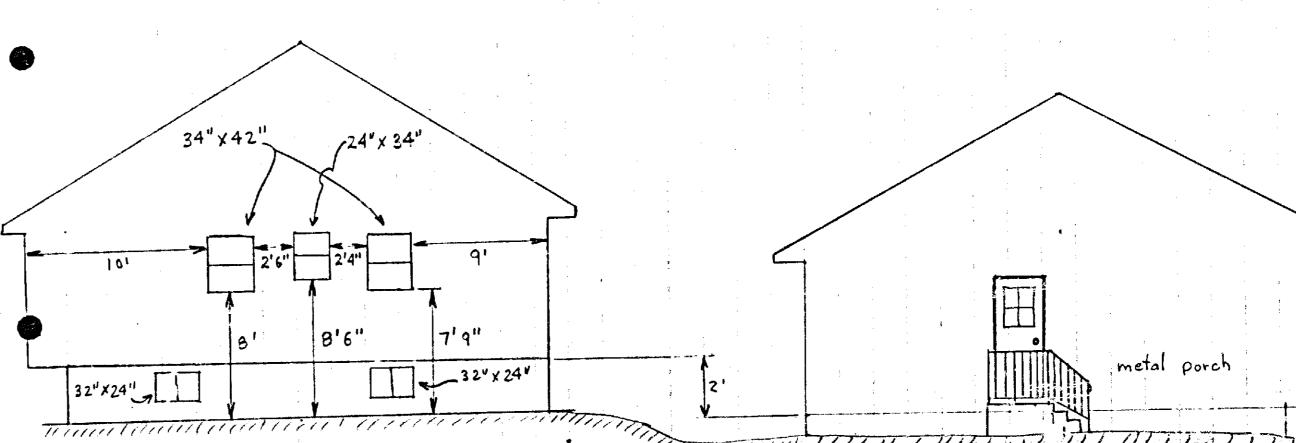
Michael S. Flanigan Traffic Engineer Associate II

MSF/lab

PETATIONS EXHIBIT 2

North side 4213 Garland Avenue

South side 4211 Garland Ave



PETITIUNES.3

Fire for Zening Variance Corner - Laurence & Linda Richmera District 11, zoned DR5.5 Subdivision - Silvergate South Add. Lot 8, EJK C, Book No 40 Folio 129 Existing utilities in Garland Ave Scale: 1"=30'

Lot size: 7359 59 ft =

0.17 acres

Planning Group Special Inspection Division

Dennis F. Rasmussen County Executive